

**CIVILIAN OFFICE OF POLICE ACCOUNTABILITY**  
**LOG #1086444**

**SUMMARY OF INCIDENT:**

On August 23, 2017 at approximately 10:47 AM, Sergeant A, Star XXXX, Beat XXX, along with Officer B, Star XXXX, and Officer C, Star XXXX, both assigned to Beat XXXX, responded to a “Request for Supervisor” police run at XXXX E. 76<sup>th</sup> St., Chicago, Illinois. While at the location, Sergeant A received allegations of Domestic Battery from a Subject 1, XXXX E. 76<sup>th</sup> St, against Police Officer A, Star XXXX. The Civilian Office of Police Accountability reviewed these allegations.<sup>1</sup>

**ALLEGATIONS:**

It is alleged that on or about August 22, 2017, at XXXX E. 76<sup>th</sup> Street, Chicago, IL, **Officer A**, Star XXXX:

- 1) Placed his hands around the throat or neck of Subject 1 causing injury.

**APPLICABLE RULES AND LAW:**

**Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.

**Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

**INVESTIGATION:**

On September 22, 2017, **witness Officer B, Star XXXX**, gave an audio interview to COPA. Officer B stated on August 23, 2017, she was working Beat XXXX as a two-person marked unit in full uniform, with her partner, **Officer C**. Officer B stated on that date, at approximately 10:47 AM, she and her partner responded to assist Sergeant A, on a “Request for Supervisor” police run at XXXX E. 76<sup>th</sup> St.

Officer B stated that she, Officer C, and Sergeant A met the caller, identified as an Officer A, assigned to the XXX District on the front porch of his residence, XXXX E. 76<sup>th</sup> St. Officer B stated that Officer A said, “I want her out of my house,” referring to Subject 1 (“Subject 1”), Officer A’s girlfriend, who also resides there. Officer B stated Officer A said he was “in fear of his life,” but gave no specifics as to why. Officer B stated Officer A’s demeanor “was calm, wasn’t showing any anger.”

Officer B stated Sergeant A was conducting the interview with Officer A while she and Officer C observed.

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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

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Officer B stated after concluding the conversation on the front porch, all parties went inside of the residence. Officer B stated she observed one male cooking in the kitchen, later identified as Civilian 2, the brother of Officer A, who also resides at XXXX E. 76<sup>th</sup> St. Officer B stated Sergeant A continued talking with Officer A in the living room. Officer B stated after Sergeant A was done speaking with Officer A, he and Officer C went into the kitchen. Officer B stated she stayed outside of the kitchen. Officer B stated other parties identified in the kitchen area were Civilian 1 (who is Officer A's daughter<sup>2</sup>) and Subject 1. Officer B stated there were children present upstairs in the home, but that she, nor any of the other CPD personnel had any contact with them. Officer B stated when she moved into the kitchen, she spoke with Civilian 1.

Officer B stated Civilian 1 said her father, Officer A, had been physically abusive to Subject 1. Officer B stated Civilian 1 said Officer A had been abusive in the past, but not on August 23, 2017. Officer B stated Civilian 1 showed Officer C images on a cellphone of past instances of physical abuse by Officer A towards Subject 1. Officer B stated she did not see the images at that time, but later at the XXX District. Officer B stated the images she saw at the XXX District showed Subject 1 with "facial bruising, and images of her hand of what appeared to be blood." Officer B stated she did not recall if the images were dated and/or time stamped. Officer B stated she and Officer C were given a black Verizon tablet<sup>3</sup>, containing the images of physical abuse towards Subject 1 by Civilian 2 (Att. 8). Officer B stated Civilian 2 signed a consent to search form (Att. 7), with both items inventoried and submitted to the Evidence and Recovered Property Section ("ERPS"). Officer B stated Subject 1 was given a domestic violence notification, a victim information notice, and a domestic violence assessment. Officer B stated Subject 1 answered the domestic violence assessment questions and signed the document. Officer B stated Subject 1 at that time did not want to sign a complaint.

On September 22, 2017, **witness Officer C, Star XXXX**, gave an audio interview to COPA. Officer C stated on August 23, 2017, at approximately 10:47 AM, she and her partner Officer B, responded to assist Sergeant A at XXXX E. 76<sup>th</sup> St. Officer C stated that upon arrival, she, Officer B, and Sergeant A were met by the caller identified as Officer A. Officer C stated that Officer A stated to the CPD personnel he "wanted her removed." Officer C said from her observation, she considered the demeanor of Officer A as "very rehearsed behavior, as if he's done it before, as he went about stating what he wanted in a police manner." Officer C stated Officer A said he was "in fear for his life." Officer C stated Officer A's statement "stuck out, as it's a key bullet point when somebody arrives at a scene." Officer C also stated that while Officer A made that statement, she said it was given "rather nonchalantly," as if his body language was saying, "hey come get her."

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<sup>2</sup> Civilian 1 is Officer A's daughter from a previous relationship and is not Subject 1's daughter

<sup>3</sup> In an effort to obtain said tablet, COPA attempted to get consent from Civilian 2 to no avail. COPA also explored obtaining a search warrant, however, without the cooperation of Subject 1 there is no complainant to attest that a crime has been committed. If in the future Subject 1 alleges a crime was committed and the photos on the tablet are reflective of such, COPA may pursue a search warrant for the tablet.

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Officer C stated at that time the conversation with Officer A was being held outside of the residence by the front porch. Officer C stated Sergeant A said to Officer A “we just can’t remove somebody.” Officer C stated Officer A and Sergeant A continued with the conversation, but she could not recollect what was being said. Officer C stated she, Officer B and Sergeant A were invited inside the residence by Officer A. Officer C stated once inside, the conversation between Officer A and Sergeant A moved into the kitchen where Subject 1 was observed sitting on the steps of a staircase. Officer C stated that Officer A’s daughter, Civilian 1, and his brother, Civilian 2, were also in the room. Officer C stated Subject 1’s demeanor was very distraught, “crying and weeping,” and she appeared panicky.

Officer C stated Sergeant A attempted to speak to Subject 1, but after not making much progress, Sergeant A asked her to speak to Subject 1. Officer C stated she and Subject 1 left the kitchen and went to the back porch. Officer C stated once on the back porch, Subject 1 said Officer A beats her. Officer C stated Subject 1 said Officer A has beat her ever since they met and “he took her out of the situation she was in.” Officer C stated Subject 1 said she met Officer A nearly seven years ago when he responded to a domestic violence police run that involved her. Officer C stated Subject 1 said Officer A took her from that domestic violence situation and moved her into his home. Officer C stated that Subject 1 said Officer A began beating her six months after he moved her into his home.

Officer C stated that Subject 1 told her that Officer A had been physically abusive to her a couple of days prior. Officer C stated Subject 1 said Officer A had punched her, slapped her, and kicked her violently. Officer C stated that she spoke to Civilian 1 who confirmed Officer A had been very violent towards Subject 1, saying, “Hey this has very definitely been going on. I know this is my father [Officer A], but this has got to stop.” Officer C stated that Civilian 1 said she was very scared for Subject 1. Officer C stated Civilian 1 said Officer A is very violent towards Subject 1. Officer C stated Subject 1 showed her on a phone, which Officer C believed belonged to Civilian 1, images depicting Subject 1 with black eyes, and bruises, a result of Officer A’s actions. Officer C stated Civilian 1 confirmed the images of Subject 1, saying, “this is happening.” Officer C stated that Officer A’s brother, identified as Civilian 2, passed her a tablet containing some of the same images, and other images depicting Subject 1 with a bloody nose and different types of wounds. Officer C stated she did not recall if the images were time-stamped or dated.

Officer C stated Civilian 1 said Officer A’s behavior had “really gone downhill” since his cancer surgery, and that he had been violent only towards Subject 1. Officer C stated the tablet containing images of Subject 1’s injuries from Officer A was taken and inventoried at the XXX District with a signed consent to search form from Civilian 2, Officer A’s brother.

On October 23, 2017, **witness Sergeant A, Star XXXX** gave an audio statement to COPA. Sergeant A stated on August 23. 2017, he was working as Beat XXX in the XXX District.

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Sergeant A stated at approximately 11:00 AM that date, he received a supervisor's run to XXXX E. 76<sup>th</sup> Street. Sergeant A stated the nature of the police run was an off-duty police officer that requested to speak with a supervisor. Sergeant A stated he was met at the location by Officers C and B. Sergeant A stated he was met at the location by the caller, Officer A. Sergeant A stated he spoke with Officer A on the sidewalk in front of the residence.

Sergeant A stated Officer A said he wanted his girlfriend, later identified as Subject 1, out of his house. Sergeant A stated Officer A said the reason he wanted Subject 1 gone was because he felt threatened by her. Sergeant A stated he asked Officer A why he felt threatened by Subject 1. Sergeant A stated Officer A said he and Subject 1 "had been arguing, that they were supposed to get married soon that they weren't getting along, they were sleeping in separate bedrooms, and that he felt threatened by her because she was going to call and report him." Sergeant A asked Officer A what Subject 1 was going to report, but that Officer A would not say. Sergeant A stated Officer A said Subject 1 knew she could call and report him to the police department because she knew that would "get him in trouble." Sergeant A stated that was why Officer A wanted Subject 1 removed from the house. Sergeant A stated he explained to Officer A the legalities of getting Subject 1 out of his house. Sergeant A stated Officer A said he and Subject 1 had been together for seven years. Sergeant A stated he again told Officer A that he could not "just move someone out of the house." Sergeant A stated he asked Officer A if a crime had been committed. Officer A stated that a crime had not been committed. Sergeant A stated that he could not take Subject 1 out of the house. Sergeant A stated he told Officer A he could ask if Subject 1 wanted to leave, but he could not force her. Sergeant A stated he told Officer A "with him [Officer A] being a policeman for seventeen years, he knew the routine." Sergeant A stated that Officer A's demeanor during this time "was calm, he wasn't drinking, he was sober." Sergeant A stated Officer A said he had prostate surgery for cancer and was on medical leave from the department.

Sergeant A stated that he entered Officer A's residence to speak with Subject 1 regarding what was the issue. Sergeant A stated when he entered the residence, there were several people in the kitchen area. Sergeant A stated he saw Subject 1 sitting on a stairway that led upstairs. Sergeant A stated when he first walked in, he believed he was first met by Officer A's daughter, Civilian 1. Sergeant A stated at that time he believed Civilian 1 resided there. Sergeant A stated he had Officer A stay in the living room. Sergeant A stated this was to avoid any problems that might occur while he was conducting his investigation. Sergeant A stated when he met Subject 1, he asked what the problem was. Sergeant A stated when he saw Subject 1 there was no blood or bruising on her. Sergeant A stated he told Subject 1 that Officer A stated he felt threatened by her and that he wanted her out of the house. Sergeant A stated he told Subject 1 that he "wasn't kicking her out of the house, that you live here."

Sergeant A stated he told Subject 1 that because she kept saying, "I have nowhere to go." Sergeant A stated he asked Subject 1 if Officer A had hurt or threatened her. Sergeant A stated Subject 1 said "No."

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Sergeant A stated after a minute or two of speaking to Subject 1, she started crying. Sergeant A stated in his “twenty-three years as a policeman when that happens, then something is not right.” Sergeant A, believing that possibly Subject 1 might be intimidated by him because he is male, “a supervisor and policeman, and Officer A is a policeman, and that they both might be in cahoots and try to cover something up.” Sergeant A stated to allay Subject 1’s fears, he asked Officer C to go outside with Subject 1 and speak with her on the back porch.

Sergeant A stated he remained in the kitchen and Civilian 1 approached him with a cellphone in her hand. Sergeant A stated Civilian 1 showed him pictures of Subject 1 that “looked like she was beat up.” Sergeant A stated he asked Civilian 1 where she got the images. Civilian 1 stated the images were sent to her by Subject 1. Sergeant A stated Subject 1 had sent the images on her phone to friends because she was afraid to keep them. Sergeant A stated he went back outside to where Officers C and B were talking to Subject 1. Sergeant A stated he and the officers found out there had been mental and physical abuse occurring to Subject 1 for quite some time. Sergeant A stated he believed that the images were within the last six months, but that he could not recall if they were time-stamped or dated. Sergeant A stated the images showed Subject 1 “with a battered face, bruising, some blood on her arms, some blood on her lip, nose, they showed abuse. They showed like someone who had been beat up.” Sergeant A stated that the images were on the uncle’s phone, later identified as Civilian 2. Sergeant A stated Civilian 2 transferred the images over to a tablet so he could keep his phone. Sergeant A stated he received a signed consent to search form, and the officers inventoried the tablet when they arrived back at the XXX District (Att. 7-8).

Sergeant A stated Civilian 1 said she witnessed Officer A choke Subject 1 three days ago. Sergeant A stated Civilian 1 said Officer A was “very controlling and that he did this to my mother before.” Sergeant A stated that an arrest was not made of Officer A because Subject 1 did not appear “beat up,” nor when he asked did Subject 1 state she feared for her safety. Sergeant A stated if Subject 1 appeared assaulted, or feared for her safety, then Officer A would have been removed from the residence and arrested. Sergeant A stated at no time did Subject 1 tell him that she was danger “or in physical harm of this individual [Officer A].” Sergeant A stated he contacted his supervisor, Lieutenant A, Star XXX of the XXX District. Upon his arrival, Sergeant A stated Lieutenant A was given a synopsis of the situation. Sergeant A stated he and Lieutenant A then went back into the house, and spoke with Officer A. Sergeant A stated he told Officer A there were allegations of physical abuse and that “I [Sergeant A] had to initiate a CL number.” Sergeant A stated Officer A was totally surprised, saying “Why is that, I didn’t do nothing.” Sergeant A stated he told Officer A there are allegations and they needed to be documented and an investigation completed. Sergeant A stated Lieutenant A stayed in the living room with Officer A. Sergeant A stated he went back and forth from the kitchen to the living room, and that he and Lieutenant A together spoke with Officer A. Sergeant A stated he and Lieutenant A used the time they were with Officer A to keep him apprised of the situation and what was going to occur.

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Sergeant A stated he and Lieutenant A informed Officer A of the department's employee assistance program if he wanted counseling. Sergeant A stated Subject 1 was offered domestic violence assistance, including how to apply for an emergency order of protection, her domestic violence rights, and referral to the various domestic violence shelters. Sergeant A stated Subject 1 said she understood but that she felt more comfortable staying the residence Sergeant A stated Subject 1 received a domestic violence notice and that a domestic violence assessment was done. Sergeant A stated he found it surprising that Civilian 1 would speak against her father, Officer A. Sergeant A stated Civilian 1 said she was "just tired of it." Sergeant A stated he told Civilian 1 that she was "doing the right thing. That we [the police department] don't need people like this [Officer A] on the job." Sergeant A stated he found Civilian 1's statements regarding the domestic violence perpetrated by Officer A as credible and that she was not reluctant in providing information.

On October 23, 2017, **witness Lieutenant A, Star XXX**, gave an audio statement to COPA. Lieutenant A stated he on August 23, 2017 he responded to XXXX E. 76<sup>th</sup> St. at Sergeant A's request. Lieutenant A stated he did not know the nature of the request, only that it was an incident involving a Chicago police officer. Lieutenant A stated upon arriving, Sergeant A briefed him of a domestic incident involving an off-duty officer, identified as Officer A. Lieutenant A stated that he recalled speaking to the daughter of the involved officer, identified as Civilian 1. Lieutenant A stated Civilian 1 told him about prior abuse involving Officer A and his girlfriend, identified as Subject 1. Lieutenant A stated Civilian 1 said a family member had electronic evidence documenting the prior abuse. Lieutenant A stated he does not recall looking at the electronic images. Lieutenant A stated after completing his conversation with Civilian 1, he entered the residence where he observed Officer A standing alone. Lieutenant A stated he stayed in the room with Officer A to monitor his actions. Lieutenant A stated he and Sergeant A told Officer A that a complaint log would be filed regarding the incident and an investigation would occur. Lieutenant A stated Officer A's demeanor was "slight defensive, slight agitated." Lieutenant A stated he remembered Officer A saying "she's [Subject 1] going to say I did something." Lieutenant A stated he did not meet or have any conversation with Subject 1. Lieutenant A stated there were conversations with officers in the kitchen area concerning inventorying the electronic evidence. Lieutenant A stated in taking the entirety of the circumstances, he did not believe there was probable cause to arrest Officer A. Lieutenant A also stated that family members of Officer A were cooperating with the investigation and supporting the victim, Subject 1. Lieutenant A stated he found it highly unusual that Civilian 1 and other family members would step forward and provide information against a domestic violence offender.

On November 29, 2017, **witness Detective A, Star XXXXX**, gave an audio statement to COPA. Detective A stated he was assigned the case involving Officer A from his supervisor, Sergeant B, Star XXXX, of the Area Central Detective Division. Detective A stated on August 25, 2017, he and Sergeant B went to XXXX E. 76<sup>th</sup> St. where they spoke with Civilian 1. Detective A stated Civilian 1 initially confirmed the information in the original Case Incident Report was correct. Detective A stated he tried to get more specifics about the case, i.e., the allegations of domestic

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battery occurring over time, from Civilian 1. Detective A stated Civilian 1 was reluctant to do so, saying she “did not wish to discuss it in any detail.” Detective A stated he asked Civilian 1 if Subject 1 had a working phone number so he could contact her. Detective A stated Civilian 1 said Subject 1 did not have a working phone number. Detective A stated he left his contact information with Civilian 1 to give to Subject 1 and EAP information.

Detective A stated on August 26, 2017, he and Sergeant B again went to XXXX E. 76<sup>th</sup> St. to speak with Subject 1. Detective A stated he spoke with Civilian 3, the sister-in-law of Officer A. Detective A stated that Civilian 3 said Subject 1 did not have a working phone. Detective A stated he again left contact information and returned to his office to work on his other pending investigations. On August 28, 2017, Detective A stated he and a Detective B, Star no. XXXXX, returned to XXXX E. 76<sup>th</sup> St. Detective A stated he again spoke with Civilian 3 who again stated Subject 1 was not at home. Detective A stated he asked Civilian 3 to contact Officer A. Detective A stated but Detective A stated it was important for him to speak with her. Detective A stated Civilian 3 said Officer A and Subject 1 were out together that day. Detective A stated Civilian 3 initially got Officer A on the phone, that he briefly spoke with him, and then asked to speak with Subject 1. Detective A stated Subject 1 was put on the phone, and obtained a contact phone number from her. Detective A stated he scheduled an in-person appointment with Subject 1 that same day at the Area Central Detective Division. Detective A stated that either Officer A or Subject 1 said they both were downtown seeking a marriage license. Detective A stated Subject 1 did arrive that day at the Area Central Detective Division for the in-person interview. Detective A stated he and a Sergeant C, Star XXXX, spoke with Subject 1. Detective A stated he and Sergeant C attempted to interview Subject 1, who said she “did not wish to speak about this matter,” or pursue it any further. Detective A stated that Subject 1 said she was interested in available counseling that the department had to offer. Detective A stated he gave Subject 1 the contact phone number for EAP and informed her of the available services. Detective A stated Subject 1 said she had previously received the department’s Domestic Incident Notice. Detective A stated on XXXXXXXXXX, he visited the Domestic Violence Court at 555 W. Harrison where the continuance for the emergency order of protection, initially denied, was being heard in Room XXX. Detective A stated he spoke with the clerk and learned the case was dismissed because neither Subject 1 nor Officer A had appeared that day in court.

Detective A stated based on Subject 1’s consistent refusal to prosecute, and his supervisor’s approval, they classified the case as exceptionally cleared-closed. Detective A stated he did not look at the inventoried black tablet containing digital images of alleged abuse perpetrated by Officer A on Subject 1 due to no victim cooperation in pursuing the criminal investigation.

On January 4, 2018, **accused Police Officer A (“Officer A”), Star XXXX, gave an audio interview** to COPA. Officer A stated he called police officers to come to his residence on August 23, 2017. Officer A stated the reason he called the police was that he was “under a lot of stress.” Officer A stated the stress was the result of him just having cancer surgery, that his brother, identified as Civilian 2, and family had no place to stay, and his daughter, identified as Civilian 1,

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had been kicked out of her mother's home and had no place to stay, along with Subject 1's two children. Officer A stated, "there were a lot of people in his house," and he "was really stressed."

Officer A stated his fiancée Subject 1 was also under stress. Officer A stated the reason for calling the police was related to an incident approximately one or two weeks prior at a groomsman rehearsal at his home. Officer A stated at the rehearsal, Subject 1 got into an argument with a groomsman's girlfriend and he had to stop Subject 1 from fighting. Officer A further stated because of the present living environment to have officers tell everyone to leave, specifically his brother Civilian 2 and Subject 1. Officer A went on to state that he wanted Civilian 2 out of his home and that he and Subject 1 "were arguing, nothing physical." Officer A stated he wanted "the officers to talk to them [persons living in the home] because there was no respect" towards him in the house. Officer A stated he answered the door for Sergeant A and Lieutenant A upon arrival at his home, but they spoke to Subject 1 and not him. Officer A stated he was disappointed that "they didn't speak with me, they spoke to her." Officer A stated he did not recall Sergeant A speaking to him regarding any physical contact he had with Subject 1. Officer A stated he did not know the conversation the officers had with Subject 1 because he was at the front door the entire time. Officer A stated Subject 1 fears the police and she thought she was going to get arrested.

Officer A stated he did not want Subject 1 arrested, he "just wanted some respect in the house," and he "didn't have that." Officer A stated he was "in pain, on medication, and it was really stressful." Officer A stated all he really "wanted was the police to talk to her [Subject 1]." When asked what he wanted the police to talk to Subject 1 about, Officer A again stated "Respect. There was really no respect." Officer A stated he tried to speak with Sergeant A, but he "wouldn't listen." Officer A stated he "didn't get to give his voice as to what happened" because he did not know a report was being completed on the incident. Officer A stated he never spoke with Lieutenant A. Officer A stated based upon what he knew, "they [the police] forced a report on her [Subject 1]. She didn't want to do a report."

When asked regarding the relationship with his daughter Civilian 1, Officer A stated her mother had "put her out" and she came to live with him. Officer A stated he had not seen his daughter in eight years. Officer A stated Civilian 1 was not angry at him. However, Officer A stated Civilian 1 has been arrested before and is known for lying. Officer A stated he did not hear the conversation police officers had with Civilian 1.

Officer A stated Sergeant A said a complaint register (CR Report) was going to be completed. Officer A stated Sergeant A never told him why a CR Report was being completed because nothing happened that day. Officer A stated he was "really shocked." When asked if he ever hit Subject 1, Officer A stated he "pushed her off" him before. Officer A stated he pushed Subject 1 off him before to prevent being hit, or blocking her aggressive behavior. Officer A stated he never hit Subject 1. Officer A stated in the incident where Subject 1 fought a groomsman's girlfriend, he had to grab Subject 1. Officer A stated Civilian 1 saw him do that and he "guessed she was shocked." Officer A stated he did not choke or hit Subject 1, he tried to break-up the fight. Officer

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A stated Civilian 1 “misunderstood” what had occurred because she never saw “her father acting like that.” Officer A stated there was no physical altercation involving him and Subject 1 between August 21-22, 2017. Officer A stated “they [the police] got that confused.” Officer A stated he could not recall Subject 1 having any pictures of injuries she sustained from him.

Officer A stated he recalls briefly speaking to a CPD detective regarding the alleged incident between him and Subject 1. Officer A stated the detective said “She [Subject 1] doesn’t want to do anything about it, or go forth with it.” Officer A stated he told Subject 1 to go to speak with the detectives about the alleged incident. Officer A stated Civilian 1 “misunderstood” his actions towards Subject 1 and that Civilian 2 never saw him hit Subject 1. Officer A stated he was taking cancer medication approximately around August 23, 2017, and it may have affected his emotions and memory. Officer A stated after this incident, he and Subject 1 went to EAP counseling. Officer A apologized “for all of this,” saying he and Subject 1 were under “a lot of stress,” which has been lifted since Civilian 2 and his family are gone from the home.

Attempts by IPRA/COPA to interview **the alleged victim Subject 1 (“Subject 1”)** proved unsuccessful. On August 23, 2017, IPRA spoke with Civilian 1, daughter of accused Officer A. Civilian 1 stated Subject 1 went to Domestic Violence Court attempting to obtain an Order of Protection against Officer A and would not be available to provide a statement at the time. Civilian 1 stated she would have Subject 1 contact COPA at her earliest convenience. IPRA mailed Subject 1 a contact letter via certified U.S. mail on August 31, 2017. On September 13, 2017 IPRA visited Subject 1’s residence. While at the location, IPRA placed a phone call to Subject 1 that was not answered. On October 16, 2017, COPA met Subject 1, and **witness Civilian 1** at XXXX E. 75<sup>th</sup> St. to obtain voluntary audio interviews. Subject 1 stated she would need to confer with a lawyer prior to making a statement. While not willing to do an audio interview, Subject 1 stated that Officer A had not hit or assaulted her prior to CPD officers arriving at XXXX E. 76<sup>th</sup> St. on August 23, 2017. Subject 1 stated Officer A has never hit her in the seven years they have been together (Att. 31).<sup>4</sup>

Attempts by COPA to speak with **witness Civilian 1** proved unsuccessful. On October 9, 2017, COPA made phone contact with Civilian 1 for an audio interview. On October 13, 2017, COPA re-confirmed Civilian 1’s audio interview via phone contact. Civilian 1 stated that she was bringing Subject 1 to the October 13, 2017 interview. Upon COPA speaking with Civilian 1, on October 13, 2017, she stated that she needed to speak with an attorney to decide whether to give an audio recorded statement (Att. 31).

Attempts by COPA to speak with **witness Civilian 2, Officer A’s brother**, proved unsuccessful. On November 20, 2017, COPA attempted to reach him by phone. Civilian 1 answered the phone and stated she would give the message to Civilian 2. On November 27, 2017, COPA sent a letter

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<sup>4</sup> Subject 1 stated that the alleged domestic violence pictures on Property Inventory no. 13986407, a black Verizon tablet, were the result of an “allergic reaction.”

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via U.S. first class and certified mail to Civilian 2 at XXXX E. 76<sup>th</sup> St. COPA did not receive a response to either the phone call or the letters (Att. 39).

**The BWC video of Sergeant A** taken on October 23, 2017, depicts a 36m 37secs event at XXXX E. 76<sup>th</sup> St. Sergeant A is seen arriving at the location where he is met outside by Officer A. Sergeant A walks into the residence and is met by Civilian 1, daughter of Officer A. Sergeant A is seen walking into the kitchen area and talks to Subject 1. Sergeant A is seen notifying Lieutenant A to come to the location. Sergeant A is seen on the back porch speaking with Officer C. Sergeant A is seen speaking with Civilian 1 on the front porch of XXXX E. 76<sup>th</sup> St. Lieutenant A arrives on the scene and Sergeant A apprises him of the situation. Sergeant A is seen talking to Officer A in the living room of XXXX E. 76<sup>th</sup> St. (Att. 46).

**The BWC video of Officer B** taken on October 23, 2017, depicts a 44m 39secs event at XXXX E. 76<sup>th</sup> St. Officer B is seen speaking with Civilian 2, the brother of Officer A. Officer B goes onto the rear porch of XXXX E. 76<sup>th</sup> St., to talk with Civilian 2. Officer B is seen going to the back porch where Officer C is talking to Subject 1. (Att. 47).

**The CPD Original Case Incident Report** completed on August 23, 2017, lists an incident entitled “Battery-Domestic Battery Simple” occurred at XXXX E. 76<sup>th</sup> St. The victim is listed as Subject 1. The suspect is listed as Officer A. The Reporting Officer is listed as Officer C. The report narrative states that August 23, 2017, Officer C and her partner Officer B responded to a request for police services. Upon arrival, Officer B and Officer C met the suspect, Officer A, after which supervisors arrived on scene. The report states Subject 1 related that on August 22, 2017, Officer A proceeded to choke her due to her unwillingness to speak with him. The report indicates that there were no visible injuries. The report states that Civilian 1, daughter of Officer A, confirmed this and past abusive experiences involving Officer A she witnessed. Per the report, no arrest was made as Subject 1 refused to sign a complaint and medical attention (Att. 4).

The report states Subject 1 received a Domestic Violence Notice and information on how to obtain an order of protection and assistance from the Domestic Violence Unit. The report states the officers obtained a Consent to Search form and inventoried a black Verizon Tablet (Att.4, 7-8).

**The CPD Case Supplementary Report** states on August 25, 2017, Detective A and Sergeant B went to XXXX E. 76<sup>th</sup> St. where they spoke with Civilian 1. The report stated Civilian 1 initially confirmed the information in the original Case Incident Report was correct. The report stated Detective A tried to get more specifics about the case, i.e., the allegations of domestic battery occurring over time, from Civilian 1, but she was reluctant to do so. saying she “did not wish to discuss it in any detail.” The report stated that detectives made several attempts between August 25, 2017 and August 28, 2017 to contact Subject 1 by going in person to XXXX E. 76<sup>th</sup> St. The report stated on August 28, 2017, Detective A did reach Subject 1 through Officer A’s cell phone, and scheduled an in-person interview at the Area Central Detective Division that day. Detective A and Sergeant C spoke with Subject 1, who declined to discuss the reported incident or cooperated

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any further. Detective A classified the case as cleared closed based on Subject 1's consistent refusal to prosecute (Att. 38).

**In an Initiation Report** to Commander A, XXX District, on August 23, 2017, at approximately 11:00 AM, Sergeant A responded to a "Request for Supervisor" assignment initiated by Officer A. Sergeant A stated Officer A said that he was not getting along with his live-in girlfriend, later identified as Subject 1, and that he wanted her removed from the house. Sergeant A stated he explained to Officer A the legalities involved in removing Subject 1. Sergeant A asked if Subject 1 had committed any crime and that Officer A said, "no." Sergeant A stated that he interviewed Subject 1, at which time she said that her and Officer A were supposed to get married on Friday. Sergeant A stated he asked Subject 1 if there were crimes or abuse committed against her and she said, "no." Sergeant A stated he noticed reluctance and crying and by Subject 1 as she spoke to him "as an attempt to cover something up and not tell the truth." Sergeant A stated Officer C took Subject 1 outside to interview her separately at which time Subject 1 said Officer A had been abusing her physically and mentally, unprovoked, for the last six and a half years. Sergeant A stated Subject 1 in the last year and a half the abuse had been getting worse and that she was choked by Officer A as recently as August 22, 2017.

## **ANALYSIS**

COPA's burden of proof is the preponderance of the evidence. COPA's investigation reveals that Officer A it is more likely than not that Officer A did place his hands around the neck or throat of Subject 1 causing injury. The discrepancies in Officer A's audio recorded interview strongly contradict the statements made by Civilian 1, Civilian 2, and Subject 1 to CPD officers which were captured on BWC August 23, 2017.

Civilian 1 approached CPD personnel shortly after their arrival and stated that they needed to speak with Subject 1. Civilian 1 stated she saw the accused, Officer A, place his hands around the throat of Subject 1 and "choke her out." Civilian 1 freely and voluntarily gave CPD personnel the cell phone that showed images of injuries on Subject 1 from physical abuse committed by accused Officer A. Civilian 2 stated on Officer B's BWC that Officer A "has been beating up on Subject 1 for a long time." Civilian 2 stated he and other family members had attempted to talk to Officer A about what's occurring between him and Subject 1. Civilian 2 stated to Officer B he told Officer A he could not "beat up on a woman," and that he was putting his career in jeopardy with his actions. Civilian 2 also gave CPD personnel at the scene the Verizon laptop that was inventoried containing images of the alleged domestic violence perpetrated against Subject 1 by accused Officer A. CPD personnel that were interviewed who responded to XXXX E. 76<sup>th</sup> St., acknowledged seeing images that showed injuries to Subject 1 perpetrated by Officer A.

CPD personnel also stated Subject 1's demeanor was scared and that she was crying. Subject 1 stated accused Officer A began beating her six months after she and her two children moved in with him. Subject 1 stated to CPD officers that accused Officer A wanted to put her out of the

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home and she had no place to go. Officer A commented to CPD officers on BWC that Subject 1 would probably try to “show them some images.” Throughout the period CPD officers were at XXXX E. 76<sup>th</sup> St., and in his interview with COPA, Officer A portrayed himself as the victim that “was not being respected.” In addition, the rarity of family members speaking against the interest of the accused cannot be overlooked. Based on the totality of the circumstances, COPA believes the preponderance of evidence standard is met to conclude that Officer A did indeed commit the allegation against him.

**CONCLUSION**

Based on these factors, the Civilian Office of Police Accountability recommends a finding of **Sustained** for Allegation #1 against Officer A that he placed his hands around the throat or neck of Subject 1 causing injury.

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Investigator

Sup. Investigator

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Deputy Chief